

APPEAL NO. 171868  
FILED OCTOBER 2, 2017

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on June 28, 2017, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ).<sup>1</sup> The ALJ resolved the disputed issues by deciding that: (1) the appellant (claimant) did not sustain a compensable repetitive trauma injury with a date of injury of (date of injury); (2) the respondent (self-insured) is not relieved from liability under Section 409.002 because of the claimant's failure to timely notify her employer pursuant to Section 409.001; and (3) the claimant had no disability. We note the decision refers to the self-insured as a carrier.

The claimant appealed the ALJ's determinations that she did not sustain a compensable repetitive trauma injury with a date of injury of (date of injury), and that she had no disability, contending that the evidence does not support the appealed determinations. The self-insured responded, urging affirmance of those determinations. The ALJ's determination that the self-insured is not relieved from liability under Section 409.002 because of the claimant's failure to timely notify her employer pursuant to Section 409.001 was not appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed in part and reversed and rendered by striking in part.

The claimant testified she injured her hands in the course of performing her duties as a cafeteria team lead during the week of a Thanksgiving luncheon in 2016.

**COMPENSABLE INJURY**

The ALJ's determination that the claimant did not sustain a compensable repetitive trauma injury with a date of injury of (date of injury), is supported by sufficient evidence and is affirmed.

**DISABILITY**

The disability issue as contained on the Benefit Review Conference Report was whether the claimant had disability resulting from the claimed injury. At the CCH the

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<sup>1</sup> Section 410.152 was amended in House Bill 2111 of the 85th Leg., R.S. (2017), effective September 1, 2017, changing the title of hearing officer to ALJ.

parties agreed to amend the disability issue to address the period from April 20, 2017, through the date of the CCH. Although the ALJ noted in the decision that the disability issue was revised to specify the period from April 20, 2017, through the date of the CCH, the ALJ did not restrict her disability determination to the time period in the revised issue in the Decision and Order, Conclusion of Law, and Decision sections, and instead determined that the claimant did not have disability. The ALJ's disability determination exceeds the scope of the issue before her. That portion of the ALJ's determination that the claimant did not have disability from April 20, 2017, through the date of the CCH is supported by sufficient evidence and is affirmed. We reverse that portion of the ALJ's determination that the claimant did not have disability from (date of injury), through April 19, 2017, as exceeding the scope of the issue before her, and we render a new decision striking the dates of (date of injury), through April 19, 2017, from the ALJ's disability determination.

### **SUMMARY**

We affirm the ALJ's determination that the claimant did not sustain a compensable repetitive trauma injury with a date of injury of (date of injury).

We affirm that portion of the ALJ's determination that the claimant did not have disability from April 20, 2017, through the date of the CCH.

We reverse that portion of the ALJ's determination that the claimant did not have disability from (date of injury), through April 19, 2017, as exceeding the scope of the issue before her, and we render a new decision striking the dates of (date of injury), through April 19, 2017, from the ALJ's disability determination.

The true corporate name of the insurance carrier is **LEANDER INDEPENDENT SCHOOL DISTRICT C/O TEXAS ASSOCIATION OF SCHOOL BOARDS (TASB) (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**DR. BRETT A. CHAMPION,  
SUPERINTENDENT OF LEANDER ISD  
204 W. SOUTH STREET  
P.O. BOX 218  
LEANDER, TEXAS 78646-0218.**

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Carisa Space-Beam  
Appeals Judge

CONCUR:

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K. Eugene Kraft  
Appeals Judge

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Margaret L. Turner  
Appeals Judge